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2. PLEADING—*Declaration—Exemplary damages—How charged.* Exemplary damages need not be claimed *eo nomine* in the declaration. It is sufficient if the facts averred warrant the finding of such damages and are stated with sufficient distinctness to inform the defendant of the nature of the charge he is required to meet.

3. PLEADING—*Negligence—Exemplary damages—How claimed in declaration.* A charge in a declaration against an electric street railway company that it so carelessly and negligently constructed and maintained its tracks and wires, and so carelessly and negligently failed to keep them in repair as to permit the escape of electricity by which the plaintiff was directly injured, describing the manner and extent of the injury, is sufficient to warrant the introduction of evidence tending to show such negligence on the part of the company at the time of, and immediately preceding for several months, the injuries to the plaintiff as would justify the finding of exemplary or punitive damages.

4. DAMAGES—*Mental anguish—Excessive verdict.* In an action to recover damages for a physical injury inflicted on the plaintiff, the jury may consider such inconvenience, discomfort and mental suffering as might have been entailed upon him by the injuries, and also his consequent disability. Under the evidence in this case, a verdict for \$550 cannot be regarded as excessive, and there is nothing to warrant the conclusion that the jury were influenced by partiality or prejudice or any mistaken view of the evidence.

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RICHMOND, PETERSBURG & CAROLINA RAILROAD CO. v. CHAMBLIN & SCOTT.—Decided at Wytheville, June 12, 1902.—*Keith, P.*

1. EMINENT DOMAIN—*Elements of damage.* While, in condemnation proceedings, no damages can be allowed for injuries to the trade or business of the land owner, it is proper to consider the uses of the land for all purposes, and particularly the uses to which the owner has applied it, and also all the facts and circumstances likely to enter into the value of the land. Injury to access and increase of difficulty and costs of handling freight on the residue of the land are proper elements of damage to be considered.

2. APPEAL AND ERROR—*Harmless error.* A plaintiff in error cannot assign as error a judgment which is not to his prejudice.

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ANDERSON v. MOSSY CREEK WOOLEN MILLS CO.—Decided at Wytheville, June 19, 1902.—*Harrison, J.*

1. CHANCERY PRACTICE—*Multifariousness—Common interest.* Any number of creditors may unite in one suit to set aside a deed made in fraud of their rights, although their claims are distinct and separate.

2. FRAUDULENT CONVEYANCES—*Notice to grantee.* In order to charge a grantee with knowledge of the fraud of his grantor, it is sufficient to show that the grantee had knowledge of facts and circumstances which were naturally and justly calculated to excite suspicion in the minds of a person of ordinary care and prudence, and which would naturally cause him to pause and enquire before consummating the transaction, and that such enquiry would have necessarily led to the discovery of the facts from which the law imputes fraud to the grantor.